S.B.CR MISC. BAIL APPLICATION NO.3546/2006

Date : 28.08. 2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. J.S. Choudhary for the applicant.
Mr. Vishnu Kachhawha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel is that in the present case allegations are that the applicant along with one Bhanwar Lal has hatched conspiracy and thereby a sum of Rs.2100/- was obtained by them. Learned counsel submits that this amount is said to be of one Bhanaram, who at the relevant time was counselor in the Municipality. He submits that no complaint has been made by him. He further submits that as far as present applicant is concerned, papers were placed before the applicant and on the basis of verification made by different officials, executives and cashier etc, she signed the same, therefore, it cannot be said that the applicant was

responsible in any manner with the alleged crime. He also submitted that as regards allegation of conspiracy hatched along with Bhanwar Lal is concerned, the police authorities after conducting investigation reached to the conclusion that the alleged document was not in the handwriting of Bhanwar Lal and he is not accused in this case. He further submits that the applicant is a lady of 65 years of age and whatsoever has been done by her, was done in discharge of her official duty. In last, he submitted that cashier Rajan Kumar has been granted anticipatory bail by this Court in S.B. Criminal Misc. Bail Application No.3422/2006 vide order dated 08.08.2006.

On the other hand, learned Public Prosecutor has not controverted the factum that regarding allegations against Bhanwar Lal, police reached to the conclusion that no case was made out against him, however, submits that the amount has been embezzled, therefore, she should not given benefit of anticipatory bail.

I have considered the submissions made before me and carefully gone through the material available on record.

Taking into consideration the overall facts and circumstances of the present case and the fact that allegation regarding conspiracy hatched by the applicant along with Bhanwar Lal and Bhanwar Lal has not been found involved in this case, I deem it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Smt. Hanja Devi wife of Narayan Ram by I.O./S.H.O. in CR No.339/2002 P.S. Jitaran, District Pali, she shall be released on bail provided she furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That she shall make herself available for interrogation by a police officer as and when required;

(ii)That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That she shall not leave India without the previous permission of the Court.

However, this order shall be subject to the condition that applicant deposits the amount in question i.e. Rs.2100/- in the Municipality and submits receipt thereof before the Investigating Officer.

(SATYA PRAKASH PATHAK), J.

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